IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.29982 of 2008
SITA YADAV @ SITA RAM YADAV
Versus
THE STATE OF BIHAR

3/ 21/10/2008. Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends arrest in a police case under Sections- 302/34 of I.P.C. and 17 of Criminal Law Amendment Act.

It is submitted that the F.I.R. is against unknown. The petitioner is sought to be made an accused on unfounded suspicion. Five years after the occurrence, investigation is still continuing.

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Learned counsel for the State fairly submits that there is only suspicion with no materials to suggest any extremist links. The weapon of assault recovered from the place of occurrence does not appear to have been sent for forensic examination. The case diary has been called on 22.8.2008 which is only written up to January, 2007.

The petitioner cannot be subjected to tribulations for the inefficiency of the police.

Having considered the facts and circumstances of the case, let the petitioner above named surrender before the court below within six weeks when he shall be enlarged on anticipatory bail upon furnishing the bail-

bonds of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of Sub-divisional Judicial Magistrate, Sherghaty, Gaya in Dumaria P.S. Case No.04/2003, subject to the conditions laid down under Section-438(2) Cr.P.C.

KC **(Navin Sinha, J)**

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